

HOME (JAILS AND JUDICIAL) DEPARTMENT

The 3rd July, 1970

No. 5576-3JJ-70/19247.—With reference to the definition, the expression 'Government Pleader' contained in section 2 of the Code of Civil Procedure, 1908, Shri Naubat Singh Panwar, Junior Counsel to the Advocate General, Haryana is appointed with effect from 1st July, 1970, to be a Government Pleader generally for the Haryana and is hereby authorised to perform all or any of the functions expressly imposed by the said code on Government Pleaders, except the functions specified in order XXVII, Rule 4 and order XXXIII, Rule 6 in the first Schedule thereof.

No. 5576-3JJ-70/19248.—Under sub-section (1) of section 492 of the Code of Criminal Procedure, 1898, Shri Naubat Singh Panwar, is appointed with effect from 1st July, 1970 to be Public Prosecutor generally for the Haryana State.

M. L. BATRA,

Financial Commissioner for Home and Secy.

The 7th July, 1970

No. 5282-3JJ-70/19000.—In exercise of the powers conferred by sub-section (7) of section 2 of the Code of Civil Procedure 1908, the Governor of Haryana is pleased to appoint Shri R. S. Bhatnagar, Temporary Assistant District Attorney, to be Government Pleader in the Civil District of Hissar, with effect from 12th June, 1970 (forenoon) and to authorise him to perform all or any of the functions expressly imposed by the said Code on Government Pleaders except the functions specified on order XXVII rule 4, and order XXXIII rule 6, in the First Schedule thereto.

No. 5282-3JJ-70/19001.—In exercise of the powers conferred by sub-section (1) of the section 492 of the Code of Criminal Procedures, 1898 the Governor of Haryana is pleased to appoint Shri R. S. Bhatnagar, Temporary Assistant District Attorney to be a public Prosecutor for the District of Hissar, with effect from 12th June, 1970 (forenoon).

M. L. BATRA Secy.

HOME (JUDICIAL) DEPARTMENT

The 7th July, 1970

No. 5282-3JJ-70/19004.—The Governor of Haryana is pleased to order the following appointment in the Law and Legislative Department:—

Serial No.	Name	Appointment	Time Scale	With effect from
1	2	3	4	5
1	R. S. Bhatnagar Advocate	Temporary Assistant District Attorney, Hissar	Rs. 350—25/ 500/30-590/ 30—630/35— 900 (min 450)	12th June, 1970 (forenoon)

M. L. BATRA,

Financial Commissioner Home and Secy.

LATE NOTIFICATIONS

HOME (POLICE) DEPARTMENT

The 8th July, 1970

Karnal to Thanesar, District Karnal, where he assumed charge of his duties on the 27th June, 1970 forenoon.

No. 14095/B (1) Posting.—The Governor of Haryana was pleased to transfer Shri Tikka Singh, Officiating Deputy Superintendent of Police, from

J. C. VACHER, Jt. Secy.

CULTURAL AFFAIRS DEPARTMENT

22nd June, 1970

No. PRDH (CA)-70/12873.—In partial modification of Haryana Government notification PRDH (CA)-70/6866-76 dated 1st March, 1970 the Government of Haryana is pleased to reconstitute the Advisory Committee for Cultural Affairs, Haryana to advise the Government on the development and promotion of indigenous art and culture in the State. The composition of the Committee shall be as follows.—

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|---|------------------|
| 1. Minister for Cultural Affairs, Haryana | Chairman |
| 2. Shri K. L. Poswal, Home Minister, Haryana | Vice-Chairman |
| 3. Secretary to Government Haryana, Cultural Affairs Department | Member |
| 4. Director, Public Instruction, Haryana | Member |
| 5. Principal Secretary to Chief Minister Haryana | Member |
| 6. Smt. Parbhat Shobha Pandit, 3 Hastings Road, New Delhi | Member |
| 7. Shri Dharam Vir Vashist, Village Sihi, Faridabad | Member |
| 8. Dr. Budh Parkash Professor of Ancient History Kurukshetra University, Kurukshetra | Member |
| 9. Shri B. P. Mathur, Senior Architect, Union Territory Chandigarh | Member |
| 10. Dr. B. N. Goswami, Head of Department of Fine Arts, Punjab University, Chandigarh | Member |
| 11. Director Public Relations and Cultural Affairs, Haryana | Member Secretary |
| 2. Paragraphs 3 to 8 of the notification will remain unaltered | |

(Sd.) . . .

Deputy Secretary,

FINANCE DEPARTMENT

The 7th July, 1970

No. 10436-TA-HR (IT)-70/4973.—The Governor of Haryana, is pleased to convert the posts of Assistant Treasury Officers in the pay scale of Rs. 300—25—450, 25—600 in the Treasury Organisation, into permanent Class II gazetted posts in the same time scale with immediate effect.

ISHWAR CHANDRA, Secy.

LABOUR DEPARTMENT

The 1st July, 1970

No. 5487-1Lab-70/19334.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Mohinder Singh and Associate, Faridabad.

BEFORE SHRI. P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Reference No. 82 of 1970
between

SHRI KANT WORKMAN AND THE MANAGEMENT OF M/S MOHINDER SINGH AND
ASSOCIATE, FARIDABAD

Present :—

Shri Roshan Lal Sharma, for the workman.

Shri Manjit Singh, for the management.

AWARD

Sh. Shri Kant was working as a Fitter in M/S Mohinder Singh and associate, Faridabad. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Dispute Act, 1947, referred the following dispute to this Tribunal, for adjudication,—*vide* Government Gazette Notification No. ID/FD/504 A/11330, dated 17th April, 1970.

"Whether the termination of services of Sh. Shri Kant was justified and in order? If not; to what relief is he entitled?"

On receipt of the reference usual notices were issued to the parties in response to which the management filed their written statement. The position taken up by the management is that the workman Shri Kant had gone on 5 days leave from 10th February, 1970 to 14th February, 1970. 15th February, 1970 was Sunday. He did not report for duty on 16th February, 1970. He was therefore marked absent from 16th February, 1970 to 24th February, 1970 and his name was thereafter struck off from the register on the assumption that he had abandoned the service. It was further pleaded that the claimant had taken up some other job and was not interested in rejoining the respondent concern. The following issues were accordingly framed.

1. Whether the termination of services of Sh. Shri Kant was justified and in order? If not; to what relief is he entitled?
2. Whether Shri Kant is gainfully employed?

Issue No. 1. The management have produced their Accountant Shri D. K. Kolhi and Shri Manjit Singh Factory Incharge has also appeared as a witness in support of the case. In rebuttal the workman Shri Kant has appeared as his own witness. The workman in his evidence admits that he was on leave from 10th February, 1970 to 15th February, 1970. The only difference between the parties is that according to the version of workman he reported for duty on 16th February, 1970 after the expiry of his leave but the management refused to give him duty on the ground that his services were no longer required. The workman says that he was told that he should come after two or three days and Sardar Ji i.e. Proprietor would be consulted. The workman says that in this manner the management kept the matter pending for about a week and on the next Monday he was told that he could resume his duty and accordingly he signed the sheet on which the workman who report for duty put their signatures and started his work but at about 10-30 A.M. the proprietor called him and told him that his services were no longer required. The workman says that the work done by him on that date was noted on the job card.

The workman in his evidence did not suggest any reason as to why the management did not permit him to resume duty when he duly reported on 16th February 1970 after the expiry of his leave nor did he call upon the management to produce the job card. In order to ascertain what could possibly be cause for this strange behaviour of the management, court questions were put to the workman. The workman in answer to the Court questions stated that he had been in the service of the management from the last three or four months and that his work was quite satisfactory and the management never expressed their dissatisfaction with his work. The workman however suggested that the management wanted to employ one Nirmal Singh and therefore it was decided that his services should be terminated. The workman says that after getting rid of him the management employed Shri Nirmal Singh who worked in the respondent factory for about a month or a month and a half. When this suggestion came from the workman the representative of the management placed the attendance Register before the representatives of the workman who thoroughly inspected the register but could not find the name of Shri Nirmal Singh in the said register. Thus the reason given by the workman for the termination of his services is proved to be incorrect.

The version of the management as already pointed out is that the workman did not report for duty on the expiry of the leave and the management after waiting for him till 24th February, 1970 struck off his name from the roll on the assumption that he had abandoned the service. In order to prove that the workman did not report for duty on 16th February, 1970, the entries in the attendance register have been proved by Sh. D. K. Kolhi Accountant who gave his evidence after referring to the entries in the attendance register. The evidence of Shri Kolhi is corroborated by Shri Manjit Singh Incharge of the factory. Both these witnesses have affirmed on oath that Shri Kant did not report for duty on 16th February, 1970 at all.

In my opinion the version of the management appears to be correct and I find this issue in favour of the management.

Issue No. 2. In view of my decision on issue No. 1 this issue does not arise.

In view of my findings above I am of the opinion that the name of Shri Kant has been rightly struck off from the rolls and he is not entitled to any relief. I give my award accordingly.

No order as to cost.

Dated : the 18th June, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 993, dated 19th June, 1970

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 18th June, 1970.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 1st/4th July, 1970

No. 5485-ILab-70/19337.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Rohtak-Bhiwani Transport Co. (Group 'A'), Rohtak.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 65 of 1970

between

SHRI MEHAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S ROHTAK-BHIWANI
TRANSPORT CO. (GROUP 'A'), ROHTAK

Present:—

Shri S. N. Vats with Shri Mehar Singh concerned workman.

Nemo for the management.

AWARD

Shri Mehar Singh was in the service of M/s Rohtak-Bhiwani Transport Co. (Group 'A'), Rohtak as a Conductor. His services were terminated and this gave rise to an industrial dispute. Accordingly, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication, *vide* Government Gazette Notification No. ID/RK/3B-70/9538, dated 1st April, 1970:—

“Whether the termination of services of Shri Mehar Singh was justified and in order? If not, what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman. The registered notice issued to the management under registered cover acknowledgement due was returned with an endorsement of the postal authorities that Shri Ujjager Singh Sethi who owns the respondent company had intentionally refused to accept the notice. Under these circumstances the service of the respondent company was considered to be sufficient and the workman was directed to produce *ex parte* evidence in support of his case.

The workman in support of his claim has stated on oath that he has been in the service of the respondent company from the last 20 or 21 years and that the management have terminated his service without giving him any notice or without disclosing any reason. He says that he was getting Rs. 125 per mensem and he claims reinstatement. There is no reason to disbelieve the sworn testimony of the workman and it is proved that the termination of his services was not justified and in order and that he is entitled to be reinstated with continuity of service and full back wages. I give my award accordingly.

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 18th June, 1970.

No. 992, dated the 19th June, 1970.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 18th June, 1970

P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.